

Applic. No. 10/822,024

Amdt. dated May 23, 2005

Reply to Office action of February 22, 2005

Remarks/Arguments:

Reconsideration of the application is requested.

Claims 15-27 remain in the application. Claims 15 and 27 have been amended. Claims 1-14 are being cancelled herewith.

In item 4 on page 3 of the above-identified Office action, claims 1-4, 13-18, and 25-27 have been rejected as being obvious over Pirie (U.S. Patent No. 2,366,930) in view of Helmstaedter (U.S. Patent No. 6,722,276 B1) under 35 U.S.C. § 103.

The rejection has been noted and the claims have been amended in an effort to even more clearly define the invention of the instant application. The claims are patentable for the reasons set forth below. Support for the changes is found on page 5, lines 4-7 of the specification.

Before discussing the prior art in detail, it is believed that a brief review of the invention as claimed, would be helpful.

Claim 15 and 27 call for, *inter alia*:

Applic. No. 10/822,024

Amdt. dated May 23, 2005

Reply to Office action of February 22, 2005

fixing the drum circumferential shells on the sheet transport drum in an inner position in a second of the operating modes at a distance from the axis of rotation of the drum being less than the distance in the outer position.

The Pirie reference discloses a safety guard for interrupted cylinders including guard plates (19) (Examiner equates these plates to circumferential shells of the present invention). The guard plates (19) are displaced in a channel (20) along a concentric movement arc with respect to the circumference of the cylinder during an adjustment from an open position to a closed position. Accordingly, the guard plates (19) are at a constant distance from the axis of rotation of the cylinder.

It is a requirement for a *prima facie* case of obviousness, that the prior art references must teach or suggest all the claim limitations.

The references do not show or suggest fixing the drum circumferential shells on the sheet transport drum in an inner position in a second of the operating modes at a distance from the axis of rotation of the drum being less than the distance in the outer position, as recited in claims 15 and 27 of the instant application.

Applic. No. 10/822,024

Amtd. dated May 23, 2005

Reply to Office action of February 22, 2005

The Pirie reference discloses guard plates that have an open position and a closed position, plates are moved from the open position to the closed position along an arc of constant circumference, such that the plates are at a constant distance from the axis of rotation of the cylinder. The reference does not disclose that the guard plates are closer to the axis of rotation of the cylinder in either the open or closed position. This is contrary to the invention of the instant application as claimed, which recites fixing the drum circumferential shells on the sheet transport drum in an inner position in a second of the operating modes at a distance from the axis of rotation of the drum that is less than the distance in the outer position

The Helmstaedter reference does not make up for the deficiencies of the Pirie reference.

Therefore the references do not disclose fixing the drum circumferential shells on the sheet transport drum in an inner position in a second of the operating modes at a distance from the axis of rotation of the drum being less than the distance in the outer position, as recited in claims 15 and 27 of the instant application.

Applic. No. 10/822,024

Amdt. dated May 23, 2005

Reply to Office action of February 22, 2005

The references applied by the Examiner do not teach or suggest all the claim limitations. Therefore, it is believed that the Examiner has not produced a *prima facie* case of obviousness.

Since claim 15 is believed to be allowable, dependent claims 16-18, 25, and 26 are believed to be allowable as well.

It is appreciatively noted from page 2 of the Office action that claims 5-12 and 19-24 would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims. The claims have not been amended as indicated by the Examiner, as the claims are believed to be patentable in their existing form.

It is accordingly believed to be clear that none of the references, whether taken alone or in any combination, either show or suggest the features of claim 15 or 27. Claims 15 and 27 are, therefore, believed to be patentable over the art and since all of the dependent claims are ultimately dependent on claims 15, they are believed to be patentable as well.

In view of the foregoing, reconsideration and allowance of claims 1-27 are solicited.

Applic. No. 10/822,024

Amdt. dated May 23, 2005

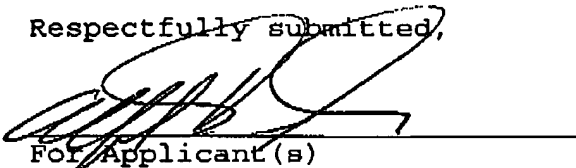
Reply to Office action of February 22, 2005

In the event the Examiner should still find any of the claims to be unpatentable, counsel respectfully requests a telephone call so that, if possible, patentable language can be worked out.

If an extension of time for this paper is required, petition for extension is herewith made.

Please charge any other fees which might be due with respect to Sections 1.16 and 1.17 to the Deposit Account of Lerner & Greenberg P.A., No. 12-1099.

Respectfully submitted,



For Applicant(s)

Alfred K. Dassler  
52,794

AKD:cgm

May 23, 2005

Lerner and Greenberg, P.A.  
Post Office Box 2480  
Hollywood, FL 33022-2480  
Tel: (954) 925-1100  
Fax: (954) 925-1101